

**TOWN OF DAVIE
REGULAR MEETING
MARCH 16, 2005**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:35 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Paul and Councilmembers Hubert, Crowley and Starkey. Also present were Interim Town Administrator Kovanes, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

Mayor Truex advised that Council needed to vote on the ranking determined at the special meeting held prior to this meeting.

Vice-Mayor Paul made a motion, seconded by Mayor Truex, to approve the bid ranking announced at the special meeting.

Procurement Manager Herb Hyman advised that three Councilmembers chose Range Riders as number one; however, because of total points pushed that Range Riders into second place. Mr. Kiar advised that Council had only ranked the proposals but had not confirmed the ranking. Councilmember Starkey felt the three individuals selected showed overwhelming support for one issue and Council should make its choice based on who each selected, instead of choosing only on ranking. Vice-Mayor Paul stated that Council should use the established procedure.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - no; Councilmember Crowley - no; Councilmember Hubert - no; Councilmember Starkey - no. (Motion denied 4-1)

Councilmember Crowley made a motion, seconded by Councilmember Hubert, to hire Range Riders.

Councilmember Starkey wanted to see a combination of the process included in the motion. She felt the Town should be able to subcontract with other consultants within the process. She wanted the process to include advertising, then short-listing the firms, then leaving the final decision to the community and Council. Vice-Mayor Paul was not in support of a combined process. Mayor Truex pointed out that Range Riders would not work with the combination process. Councilmember Crowley added that Range Riders could also perform background checks and screening. Councilmember Starkey voiced her discomfort with Range Riders performing these checks.

Councilmember Crowley amended his motion to select Range Riders and have an alternate if the Town could not negotiate an agreement with Range Riders, the Town would select MGT to do the consultant work.

Mayor Truex asked about the basis for the motion. Councilmember Crowley stated that it was based on the cost and was keeping the process locally. Mayor Truex asked if Human Resources would be doing much of the legwork. Councilmember Crowley responded that Human Resources would be working with Range Riders and doing the background checks and the screening.

Councilmember Hubert stated that it was not just the expense and felt the firms did not know the Town. She was not in favor of hiring any firm but if she had to make a choice, it would be Range Riders. Councilmember Hubert voiced her support for Mr. Kovanes' work and felt if the system was not broken, it should not be fixed.

Vice-Mayor Paul felt the process should not be convoluted and that Council should go back to the ranking system.

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Councilmember Hubert seconded the amended motion.

Mr. Hyman explained that the process involved starting the negotiation process with the firm ranked first, and if an agreement could not be reached, then the Council set that firm aside and move on to the second ranked firm. He advised that Council could not go back to the first firm after they had been set aside.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - no. (Motion carried 4-1)

Councilmember Starkey reconsidered her vote and changed it to a yes vote. (Motion carried 5-0)

3. SELECTION OF VICE-MAYOR

Later in the meeting, Mayor Truex opened the floor for nominations for Vice-Mayor.

Vice-Mayor Paul nominated Councilmember Hubert. Councilmember Starkey nominated Councilmember Crowley. No other nominations were made and Mayor Truex closed the nominations.

In a roll call vote, the vote was as follows: Mayor Truex - Councilmember Hubert; Vice-Mayor Paul - Councilmember Hubert; Councilmember Crowley - Councilmember Hubert; Councilmember Hubert - Councilmember Hubert; Councilmember Starkey - Councilmember Hubert. (Motion carried 5-0)

Mayor Truex advised that staff requested that item 4.16 be tabled to April 7, 2005.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex advised that staff requested that item 6.1 be tabled to April 20, 2005. Mr. Kovanes explained that staff needed more time to prepare the item and discuss it after the workshop.

Councilmember Starkey wanted an explanation for the estimated expenses for the pension, which were \$200,000 more than originally indicated. She wanted it understood that every mistake made in the estimate for the pension had significant impact on the budget. Mr. Kovanes also wanted an opportunity to have more communication with the staff which could be brought before Council. Councilmember Crowley was concerned that longstanding employees' needs would be covered and indicated that he was pleased that a workshop would be held to involve the Town's employees.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

6.2 and 6.3 Mayor Truex requested that Mr. Kiar provide clarification on this issue. Mr. Kiar explained that at the previous Planning and Zoning Board meeting, three members had conflicts on this issue and had to abstain from voting. He explained that the Code did not factor for such a complication. Mr. Kiar offered the option that Section 12-309 be amended that should an item fail to be passed by the Planning and Zoning Board after two hearings, it would be automatically proceed to Council. Mr. Kiar also suggested that a first meeting could be held in April, followed by a public meeting in May. He advised that one suggestion made at the Planning and Zoning Board meeting was to allow the applicant a temporary banner. Mr. Kiar advised that his office and staff had done research and examined the Code and were unsuccessful in finding a solution to this problem.

Rick Case, the applicant, requested a temporary permit and offered a letter requesting that "if the Council agreed to grant a temporary permit for the signs for which the variance was needed, and if after normal procedures, decided not to grant the variance, he would remove the signs."

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Mayor Truex asked Development Services Director Mark Kutney if a temporary permit could be issued when a variance was needed. Mr. Kutney suggested that Council allow temporary signage for 60 calendar days. He felt it would be prudent that an amendment be made not only to Section 12-309, but to Section 12-305 as well.

Councilmember Starkey spoke of other scenarios such as natural disasters that would lead to a lack of a quorum on the Planning and Zoning Board. She recommended looking at how other municipalities handled such unique scenarios involving conflicts or absentee Board members.

Mr. Kutney advised that Council had the latitude to dictate any conditions it wished to apply to the temporary use permit. Mayor Truex asked Mr. Case if he would be willing to go forward with a 60-day approval. Mr. Case agreed. Mayor Truex asked what the bond would cost with Mr. Kutney responding \$3,000.

Councilmember Starkey wanted options brought before Council prior to amending the ordinance. She suggested that the Planning and Zoning Board and the Site Plan Committee act as alternates for each other, in the event of conflict of interest, based on their familiarity with the Sunshine Law and the Town's Code.

Mayor Truex suggested the language be amended to reflect that if there was a conflict where people were disqualified from voting, the issue would immediately be forwarded to Council; however, an application could not be tabled more than three times.

Mike Bender, Planning and Zoning Board Chair, suggested there be a provision that when a conflict occurred where members abstained from voting due to a conflict, the Town Attorney's Office would have to make the decision to forward to Council. He was weary if members were absent and there was no quorum.

Council agreed with no more than three tablings and that the ordinance should include the Site Plan Committee. Mr. Kiar confirmed that the Code would be amended that board could not table an application more than three times under any circumstance, and in a situation where Board members must abstain from a vote, the application would immediately move to Council. Councilmember Starkey added that the decision was to be made by the Town Attorney's Office.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to table. In a voice vote, all voted in favor. (Motion carried 5-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. January 19, 2005 (Regular Meeting) (tabled from March 2, 2005)
- 4.2. February 15, 2005 (Workshop Meeting)

Proclamations

- 4.3. National Community Development Week (April 12-18, 2005)
- 4.4. Crime Victims Week (April 10-16, 2005)

Home Occupational License

- 4.5. TM Properties, Inc. 4252 SW 92 Avenue

Resolutions

- 4.6. **CONTRACT CANCELLATION - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, CANCELING THE UNIFORM DRY CLEANING CONTRACT WITH PINNACLE ONE PRICE DRY CLEANING OF DAVIE, LLC. AND AUTHORIZING STAFF TO RE-BID THE CONTRACT.** (tabled from January 19, 2005)
- R-2005-79

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- 4.7. **DELEGATION REQUEST** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE SUBDIVISION PLAT KNOWN AS THE "DAVIE GARDEN ESTATES", AND PROVIDING AN EFFECTIVE DATE. (tabled from March 2, 2005) (DG 10-4-04, Davie Garden Estates, generally located on the west side of SW 61 Avenue, 700 feet north of SW 55 Court)
- R-2005-80
- 4.8. **PRESERVATION OF GRANT FUNDING** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, URGING CONGRESS TO PRESERVE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM WITHIN THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD), AND PROVIDE A FY 2006 FUNDING LEVEL OF AT LEAST \$4.7 BILLION OVERALL, WITH NO LESS THAN 4.35 BILLION IN FORMULA FUNDING FOR THE CDBG PROGRAM.
- R-2005-81
- 4.9. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE HOLLYWOOD DOG CLUB, INC. FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR DOG OBEDIENCE COMPETITION. (\$1,000 rental fee)
- R-2005-82
- 4.10. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN FIVE STAR RODEO INC. AND THE TOWN OF DAVIE (\$500 rental fee)
- R-2005-83
- 4.11. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE AN INTERLOCAL AGREEMENT WITH BROWARD COUNTY FOR THE ACQUISITION, IMPROVEMENT, OPERATION AND MANAGEMENT OF SUNNY LAKE (OS-83); AND AUTHORIZING THE EXECUTION AND FILING OF A DECLARATION OF RESTRICTIVE COVENANTS FOR THE SITE.
- R-2005-84
- 4.12. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE MAYOR AND THE TOWN ADMINISTRATOR TO ENTER INTO AN AGREEMENT BETWEEN THE TOWN OF DAVIE, BROWARD COUNTY, AND DAVIE SQUARE OFFICE LLC, FOR THE INSTALLATION OF IMPROVEMENTS TO SATISFY TRAFFIC CONCURRENCY RELATING TO THE MAIN STREET PLAT; TO ACKNOWLEDGE SUCH APPROVAL BY AFFIXING THEIR SIGNATURES TO SAID AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE. (DA 1-1-05, Davie Square - Main Street Plat, generally located 1,300 feet north of Stirling Road on the west side of South University Drive)
- R-2005-85
- 4.13. **PROGRAM OBLIGATIONS** - A RESOLUTION OF THE TOWN OF DAVIE PROVIDING THAT THE TOWN WILL PROGRAM THE OBLIGATIONS SET FORTH WITHIN THE CONCEPTUAL PARK MANAGEMENT PLAN FOR SUNNY LAKE, SITE OS-83, INTO THE TOWN'S 5-YEAR CAPITAL IMPROVEMENTS PROGRAM WITHIN TWO YEARS.
- R-2005-86

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- 4.14. **RELEASE OF SECURITY LIEN - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROPRIATE TOWN OFFICIALS TO EXECUTE A RELEASE OF LIEN RELEASING A SECURITY LIEN TO SECURE THE REQUIRED SUBDIVISION IMPROVEMENTS FOR THE PASADENA ESTATES AT IMAGINATION FARMS.**
R-2005-87
- 4.15. **BID - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING THE BID FOR SUPPLY AND INSTALLATION OF BRICK PAVERS. (Royal Pavers, Inc. - \$40,000)**
R-2005-88
- 4.16. **JOB SPECIFICATIONS - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE ESTABLISHMENT OF JOB CLASSIFICATION SPECIFICATIONS FOR, COLLEGE INTERN, HIGH SCHOOL INTERN, AND GRADUATE INTERN AND AUTHORIZING THE MODIFICATION OF THE JOB CLASSIFICATION SPECIFICATION FOR ADMINISTRATIVE AIDE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

Temporary Use Permits

- 4.17. TU 1-2-05, Burkhard's Tractor & Equipment, 4180 South University Drive (sales event)
- 4.18. TU 3-1-05, Rick Case Hyundai, 3550 Weston Road (grand opening)

Quasi-Judicial Consent Agenda

- 4.19. SP 8-7-04, Aveda Institute, 4186 South University Drive (B-2) (tabled from January 16, 2005) *Site Plan Committee recommended approval based on the planning report and 1) that the graphics which are to be suspended on the front of the building be replaced when they begin to fade; 2) to provide details on the pedestrian bridge that crosses the entry if it is required; and 3) that on the east wall, work with staff on the design of it for another alternative material*
- 4.20. SP 6-13-04, Broward Schools Credit Union, 3000 SW 64 Avenue (B-1) *Site Plan Committee recommended approval based on staff's comments and to cut back an additional two feet from the drive-thru overhang which is to be measured from the face of the column*

Mayor Truex pulled item 4.18 from the Consent Agenda. Councilmember Starkey pulled items 4.1, 4.3, and 4.8. Councilmember Hubert pulled items 4.6, 4.11, and 4.20.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve the Consent Agenda minus items 4.1, 4.3, 4.6, 4.8, 4.11, 4.18, and 4.20. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.18 Mayor Truex confirmed that Mr. Case was amending his temporary use application to indicate that if there was not another procedure in place including the variance within 60 days, the signs would be removed and a \$3,000 bond would be posted. Mr. Case agreed.

Vice-Mayor Paul was concerned about fireworks close to the hospital. Mr. Case indicated that he had contacted Cleveland Clinic and the Clinic would be provided written documentation of their agreement. He added that if he did not receive the documentation, there would be no fireworks.

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Councilmember Crowley made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.1 Councilmember Starkey made a motion, seconded by Mayor Truex, to table to April 7, 2005. In a voice vote, all voted in favor. (Motion carried 5-0)

4.3 Housing and Community Development Director Shirley Taylor-Prakelt announced that National Community Development Week would be celebrated the following week. She advised that the President's 2006 budget proposed the elimination of the programs.

Ms. Taylor-Prakelt gave a brief presentation on the Community Development Block Grant. She advised that Davie currently received \$776,000 per year for neighborhood revitalization and affordable housing programs. Ms. Taylor-Prakelt indicated that \$4.7 million had been invested in the community since 1997 and explained the goals, functions and accomplishments of the program to date. She spoke of the Town's achievements in its work with Habitat for Humanity and education, and the counseling and community outreach programs provided to all sectors of the population. She discussed hurricane preparedness and evacuation programs provided to residents.

Ms. Taylor-Prakelt presented Armando Fana, Florida State Coordinator - Miami Office of HUD, with a proclamation declaring April 12-18, 2005 as National Community Development Week.

Mr. Fana stated that the activities illustrated by Ms. Taylor-Prakelt showed how important such programs were to the community. He commended Ms. Taylor-Prakelt and her staff for their progress and documented achievements in the program. Mr. Fana thanked Council for the proclamation.

Ms. Taylor-Prakelt advised of a yearly poster contest held by the National Community Development Association for children of families who lived in public housing and were working toward self-sufficiency.

Vice-Mayor Paul made a motion, seconded by Councilmember Hubert, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.6 Councilmember Hubert advised that she had received the e-mails from members of the Fire and Police Departments. She asked if the Town was going to "back-bill" the company for all the lost uniforms.

Mr. Hyman provided the history of this bid and advised that the Police and Fire Departments had indicated the service had not improved since the previous discussions in December 2004.

Councilmember Crowley asked Mr. Hyman if the termination procedures were followed with this vendor. Mr. Hyman responded in the affirmative and advised that staff had held personal meetings with the vendor at the Police Department.

Mayor Truex asked Mr. Kiar if the proper procedures had been followed. Mr. Kiar read from the "Specifications for Uniform Cleaning" in the Town's agreement with the vendor. He advised that Mr. Hyman's office had sent a letter on November 10, 2004 to Pinnacle Dry Cleaning and on December 2, 2004 expressing the intent to terminate the contract based on dissatisfaction with the level of service. Mr. Kiar stated that staff complied with the provisions and has a right to cancel.

Eric Draudt, owner of Pinnacle Dry Cleaning, distributed a letter and objected to the allegations that his company performed bad service. He explained his efforts to address complaints about the 24-hour turnaround and damaged patches and uniforms. Mr. Draudt was being held accountable for shirts that bled when it was not his fault. He advised of expenses he had covered to replace damaged patches and advised that patches were replaced when requested. Mr. Draudt discussed the amount of paperwork that he does at no charge. He voiced his complaints about the lack of communication from the Fire Department staff in response to his request for an employee log.

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Mayor Truex asked Mr. Draudt how he arrived at the number of 16 complaints. Mr. Draudt advised that he was provided with copies of emails from Lori Lysford of the Town's Police Department. Mayor Truex asked about the earlier discussion on this item where Council requested a log of complaints. Mr. Draudt responded that he had kept a log of a few more than 16 complaints/incidents. Mayor Truex asked Mr. Draudt about his plan for reconciling the bills. Mr. Draudt explained that he had informed Ms. Lysford two weeks ago that he would be providing bills for September and October and that one shirt could be deducted.

Councilmember Starkey spoke of the defective shirts and asked why staff had not informed Council about the number of defective shirts when this issue was raised in December. She questioned the alleged 500 shirts that were damaged by the dry cleaner without advising Council. Mr. Kovanes explained that the procurement procedures were what had originally been brought to his attention and the defective shirts was new information. Councilmember Starkey advised that the original complaint was about damaged shirts. She asked staff to advise when the costs for the defective shirts had been reimbursed. Mr. Kovanes understood that there were multiple issues and would like to hear from staff.

Councilmember Hubert asked about specific instances of wrong uniforms given to employees and mentioned the lost police uniforms. Mr. Draudt advised that some tags had been incorrect but were reversed. Councilmember Hubert stated there should be more than 16 complaints and indicated that there were police reports. Mr. Draudt advised that he had received complaints from the Police Department, but not from the Fire Department.

In response to Councilmember Starkey's question regarding the 500 shirts, Major Gary Killam did not know where the 500 figure had come from and advised of incidents in the past where three shirts had turned pink and were replaced. He explained that other issues concerned shirts ruined by burn marks or other problems. Major Killam advised that he had never been notified from the company that shirts were defective because of chemicals.

Deputy Fire Chief Steven Eggnatz stated he had met with the dry cleaner on several occasions and he had never been notified about shirts being defective. He indicated that the dry cleaner was saying the shirts were defective, not the shirt vendor. Mr. Draudt advised of efforts to address the color-bleeding problem. Deputy Chief Eggnatz advised that he had not received a bill nor been reimbursed and added that he had given the dry cleaner one of his red shirts. He added that he had given the dry cleaner 96 patches which he had replaced. Deputy Chief Eggnatz advised that the polo shirts were few as they were for casual days. He stated that the turnaround time was more like 48 to 72 hours and not the 24 hours. Deputy Chief Eggnatz added that there were burn marks and grease marks on the clothes. He thought the dry cleaner was trying to fix the problems but nothing had changed.

Councilmember Starkey asked how the original complaints had been resolved. Deputy Chief Eggnatz responded in the negative and advised that the shirts with burn marks came back with the same marks while others continued to have grease marks. Councilmember Starkey asked if Deputy Chief Eggnatz had given a dollar amount for the reimbursement needed for the original problems. Deputy Chief Eggnatz advised he had requested a bill from October 2004 and had not yet received one.

Major Killam advised that since March 14th, a report was made about five pants and six shirts were missing which was approximately \$281; however, the more alarming issue was that these were police uniforms. He pointed out that this was a safety hazard and a serious issue. Mr. Draudt advised that he was not aware of this. Deputy Chief Eggnatz advised that he had received a detective's uniform intermingled with his uniforms and fire uniforms were mixed in with the police uniforms. He added that staff was exchanging clothing with each other.

Vice-Mayor Paul asked if the Town had such problems prior to using Pinnacle Dry Cleaning. Major Killam responded in the negative.

Councilmember Hubert stated that her main concern was with the missing police uniforms.

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Pat Hughes, a customer and worker at Pinnacle Dry Cleaning, stated that oftentimes, fire and police personnel asked for dry cleaning that they had already picked up. She also explained that officers picked up or dropped off clothes for each other, which sometimes caused inconsistencies. Ms. Hughes stated that the clothing did not leave the building and spoke of efforts the company had made to address the Town's complaints.

Councilmember Crowley voiced his support for the Police and Fire Departments in the termination of the contract.

Mayor Truex asked for clarification about the 16 complaints. Fire Chief Don DiPetrillo advised that there were more than 16 complaints and spoke of his complaints with his uniforms. Mr. Draudt advised that he had never seen an employee from the Fire Department log a complaint in the book. Chief DiPetrillo advised that employees were advised to notify Deputy Chief Eggnatz on any complaints. Mayor Truex asked how Mr. Draudt was informed of these complaints. Deputy Chief Eggnatz indicated that complaints were given to the dry cleaner in person at numerous meetings at the Fire Department and at the cleaners. Police Chief John George stated that his department had communicated every e-mail to Mr. Draudt. He said that he expected quality and reasonable service and felt the product was not meeting the Town's needs. Councilmember Crowley agreed.

Councilmember Starkey voiced the frustration with this issue and felt that this benefit should be taken out of the union contract. She felt this should be taken out as a benefit and provided as a credit, which allowed employees to choose their vendor. Councilmember Starkey sympathized with Mr. Draudt and staff on this issue. She asked if a new contract had to be negotiated for two years. Mr. Hyman advised that Council could restructure the terms of the contract. Councilmember Starkey asked how existing issues would be resolved if the contract were to be terminated. Mr. Hyman stated that this would be a complicated issue and would have been an easier situation to resolve with timely billing.

Mayor Truex asked why the billing issue had not been raised. Mr. Hyman advised that the issue had not been raised to him by the Police and Fire Departments. He advised that when the issue was brought before Council in December, the vendor who had been ranked second could not meet the contract at his original bid price offered due to rising costs. Mr. Hyman recommended that this contract be re-bid.

Councilmember Starkey asked the Town to sit down and draft a letter of understanding between the two unions. Chief DiPetrillo voiced his preference to keep the uniforms with one central vendor for safety reasons. Chief George indicated that the main issue was timely service and the missing uniforms. Chief George agreed with Chief DiPetrillo regarding his preference for one vendor.

Mr. Draudt disputed the issues discussed and rejected the notion that there was a "litany of people that were receiving the uniforms late."

Councilmember Hubert made a motion, seconded by Councilmember Crowley, to cancel this contract and to re-bid it, and also to get their billing squared away within 60 days.

Councilmember Starkey questioned where the employees would take the uniforms for cleaning. Mr. Hyman advised it would take approximately eight weeks to rebid and recommended going back to the previous vendor as he felt this vendor could adequately handle the contract while the contract was being rebid. He advised of a letter from the previous vendor indicating he would charge the Town at the old pricing for the interim period of service, while the contract was rebid.

In a voice vote, with Mayor Truex dissenting, all voted in favor. (Motion carried 4-1)

Mr. Hyman requested direction from Council regarding the term of the contract. Councilmember Starkey felt that individuals needed to be responsible for their own uniforms and pointed out that other municipalities gave their police and fire personnel clothing allowances, with no safety concerns. She asked for information on what other departments provided for a clothing allowance. Council directed staff to rebid the contract for one year with an option to renew for one year.

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4.8 Councilmember Starkey made a motion, seconded by Vice-Mayor Paul, to approve. In a voice vote, all voted in favor. (Motion carried 5-0)

4.11 Councilmember Hubert discussed the naming of the parks and Mayor Truex requested that this issue be discussed under New Business.

Vice-Mayor Paul made a motion, seconded by Councilmember Starkey, to approve the resolution. In a voice vote, all voted in favor. (Motion carried 5-0)

4.20 Councilmember Hubert asked if there was a traffic study conducted on the road. Mayor Truex asked Town Engineer Larry Peters about the road and access to Davie Road. Mr. Peters agreed that there was no other access road and asked Council for another alternative. Councilmember Starkey asked if there was enough room to add a stacking lane. Mr. Peters responded in the negative. Councilmember Starkey referred to a recommendation to cut back an additional two feet from the drive through overhead.

Mayor Truex advised that this was a quasi-judicial matter and turned this portion of the meeting over to Mr. Kiar who read the rules of evidence and swore in the witnesses.

Councilmember Starkey asked if there was room to add a stacking right-turn lane at the bend on Reese Road. Mr. Peters advised there was not enough room for this.

Michael Wood, representing the petitioner, advised that regarding the two feet, staff had recommended that the overhang be cut to give fire and sanitation trucks the turn radius. Councilmember Starkey asked about the ability to add an additional stacking turn lane due to the constant traffic.

Al Dettbarn, also representing the petitioner, advised that the right lane would enter the interchange lane at I-595. He advised that his firm had contacted FDOT regarding plans for improvement and added that FDOT had no plans for any such changes.

Mayor Truex asked about adding a turn lane and indicated the suggested area on the plans. Mr. Dettbarn advised that this would require a variance to the landscape buffer.

Mayor Truex asked Mr. Peters if there was any way to make the road safer based on the suggestions being given. Mr. Peters indicated this could be studied further for more options, but he did not currently see any options.

Mr. Kiar swore in Mr. Kutney. Development Services Director Mark Kutney suggested that this item be tabled while staff studied this internally or Council could utilize cost recovery and have a quick study done by a consultant. Councilmember Starkey was trying to catch the problem ahead of time and reminded staff that there had always been conflicts about Reese Road. Mr. Kutney agreed but pointed out that any action to be taken should depend on further analysis.

Mayor Truex asked Mr. Kutney which suggestion was better. Mr. Kutney felt the first option to table would provide Council with a preliminary analysis by the next meeting.

Joseph Oliver, also representing the petitioner, advised that the petitioner had done everything possible to make ingress and egress to the site safe, but did not think the suggestions provided would make it safer.

Councilmember Hubert voiced her concerns about the residents who only had one road for access. Councilmember Hubert wanted to see the trip report.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Councilmember Hubert requested that the applicant meet with the residents.

Vice-Mayor Paul felt Council should be more alert to catch such concerns at the plat stage.

Councilmember Hubert made a motion, seconded by Mayor Truex, to table to April 7, 2005. In a roll call vote, the vote was as follow: Mayor Truex - yes; Vice-Mayor Paul - yes; Councilmember Crowley - yes; Councilmember Hubert - yes; Councilmember Starkey - yes. (Motion carried 5-0)

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6. PUBLIC HEARING

Ordinance - First Reading (Second and Final Reading to be held April 7, 2005)

- 6.1. **RETIREMENT PLAN AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA; AMENDING THE RETIREMENT PLAN AND TRUST FOR THE MANAGEMENT AND GENERAL EMPLOYEES OF THE TOWN OF DAVIE; PROVIDING FOR CONFLICTING ORDINANCES; AND PROVIDING AN EFFECTIVE DATE.

This item was tabled earlier in the meeting.

Items to be tabled

- 6.2. **STAFF REQUESTING A TABLING TO APRIL 20, 2005**
V 2-2-05, R & R Davie, LLC, 3550 Weston Road (BP)

This item was tabled earlier in the meeting.

- 6.3. **STAFF REQUESTING A TABLING TO APRIL 20, 2005**
V 2-3-05, R & R Davie, LLC, 3550 Weston Road (BP)

This item was tabled earlier in the meeting.

7. APPOINTMENTS

- 7.1. Child Safety Board (one exclusive appointment - Councilmember Crowley and Mayor Truex; terms expire April 2006) (whenever possible, members shall have interest and expertise in law enforcement, elementary school instruction, child psychology, pediatric medicine, parenthood and grandparenthood)

Councilmember Starkey asked if the Committee was able to resolve the conflict with Councilmember Crowley's appointment, Ms. Zane, attendance. Councilmember Paul advised that the Board had changed the meeting date to accommodate Councilmember Crowley's appointment.

Councilmember Crowley reappointed Ms. Zane.

- 7.2. Open Space Advisory Committee Agency (one exclusive appointment - Mayor Truex; term expires April 2006)

No appointment was made.

- 7.3. School Advisory Board (one exclusive appointment - Vice-Mayor Paul; terms expire April 2006) (insofar as possible, members are to have experience in educational matters)

No appointment was made.

- 7.4. Senior Citizen Advisory Committee (two exclusive appointments - Councilmember Hubert; terms expire April 2006) (members shall be a minimum 60 years of age)

No appointments were made.

- 7.5. Water and Environmental Advisory Board (one exclusive appointment - Mayor Truex; terms expire April 2006) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

8. OLD BUSINESS

There was no old business to be discussed.

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9. NEW BUSINESS

Mayor Truex advised that he had suggested to Jim DeLeo that the name Rotary Park be the first nomination. Parks and Recreation Director Dennis Andresky advised that forms for the Name the Parks contest had been distributed to Davie schools. He stated that the Open Space Advisory Committee had submitted its selections and the Parks and Recreation Advisory Board would make its recommendations the following evening. Mayor Truex asked whether the Rotary Park could be added as a nomination. Mr. Andresky advised that the due date had passed. Councilmember Paul advised that Council could always add the name to the name that was selected with a slash.

10. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER HUBERT

FOOD PROGRAM. Vice-Mayor Hubert spoke of the food program for Easter on the upcoming Saturday and wished everyone Happy Easter.

COUNCILMEMBER STARKEY

WALDREP DAIRY. Councilmember Starkey spoke of the impacts of the Waldrep Dairy. She wanted further background information on traffic impacts and analysis so Council could fight the densities.

ADVISORY BOARDS. Councilmember Starkey requested tabling the discussion on consolidation of advisory boards as she wished to attend a League of Cities conference which would address advisory board issues. Councilmember Starkey distributed the Agenda for the upcoming meeting.

HEAVY EQUIPMENT. Councilmember Starkey shared information she had downloaded regarding a heavy equipment special response vehicle the Town was interested in acquiring through a grant. Chief DiPetrillo advised that he had distributed related information to Council and the Town Administrator's Office.

COUNCILMEMBER PAUL

HAZMAT DROP-OFF. Councilmember Paul announced the HazMat Drop-Off on March 20th at the Cooper City Sports Complex.

TURNPIKE WALLS. Councilmember Paul spoke of a meeting with FDOT on the Turnpike and advised that the Town was given all its walls including the wall on Griffin Road. She stated that the walls would be higher off the ground on the shoulder of the roadway. Councilmember Paul had received a call from Representative Schultz' office indicating that the transportation committees had denied the request for the wall at Ivanhoe. Councilmember Paul advised she had requested a letter explaining the reason for the denial.

WESTERN HIGH SCHOOL. Councilmember Paul congratulated Western High School's junior class which had raised \$13,500 for Relay for Life. She also congratulated the sophomore class for its work on behalf of HOPE Outreach.

GARBAGE PROBLEMS. Councilmember Paul spoke of the continuing garbage collection problem in Oak Hill.

WATER TROUGH. Councilmember Paul requested a water trough at Yoder Park.

GUARDRAIL. Councilmember Paul spoke of the guardrail at a ramp connecting to the greenway on Flamingo Road and asked if the guardrail could be opened.

PRAYER. Councilmember Paul wished to offer a prayer on behalf of Bob Borlich, one of her constituents who passed away the previous day.

**TOWN COUNCIL MINUTES
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MAYOR TRUEX

WATER MATTERS DAY. Mayor Truex spoke of Water Matters and felt this was one of the more important problems for the community.

RELAY FOR LIFE. Mayor Truex congratulated Councilmember Starkey on Relay for Life.

COUNCILMEMBER COMMENTS. Mayor Truex recalled earlier discussions regarding moving “Councilmember Comments” to the end of meetings. He advised that he started a Mayor’s Blog site (at www.davie.tv) so less time would be taken at meetings commenting on his activities in the Town.

11. TOWN ADMINISTRATOR’S COMMENTS

KEN COHEN. Mr. Kovanes wished Assistant Town Administrator Ken Cohen a happy birthday and requested that everyone keep his wife in their thoughts.

RYAN PARK. Mr. Kovanes advised that the Ryan Park project would be heard at the Land Preservation Meeting on March 17th.

EVERGLADES ACTION PROJECT. Mr. Kovanes advised that staff was moving forward on the Best Management Practices for the Everglades Action Project, which would be on the next meeting’s Agenda.

Councilmember Paul spoke of a letter she received from Art Waggenheim in support of the Ryan project and distributed copies to Council.

THANKS. Mr. Kovanes thanked staff and department heads for their assistance in preparing for the Goal Setting Session held the previous week.

12. TOWN ATTORNEY’S COMMENTS

CONDOLENCES. Mr. Kiar expressed condolences to Mr. Kovanes for the loss of his grandfather.

SETTLEMENT. Councilmember Starkey spoke of an offer received on a lawsuit Feingold vs. the Town of Davie. Mr. Kiar advised this was still pending and advised that an offer to settle had been presented to the Florida League of Cities’ attorneys, in exchange for a settlement at a lesser amount.

Councilmember Starkey felt signage should be placed indicating that trails were open but should be used at residents’ own risk. She requested that appropriate indicators be bolded in the Town’s trails brochures and related literature.

Councilmember Paul advised that State Statutes was positioned at various points along the Town’s trail system and pointed out that riders took the risk to ride as with any other activity. Councilmember Starkey voiced her concern that Mr. Feingold’s action set a bad precedent as he was a member of the Town’s Open Space Advisory Committee, and should be familiar with the trail system.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:44 p.m.

Approved _____

Mayor/Councilmember

Town Clerk